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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/846,381	05/02/2001	Louis Eke	PA-168	4064
7590 08/23/2005				
MEREK & VOORHEES 643 B South Washington Street Alexandria, VA 22314			EXAMINER TOMASZEWSKI, MICHAEL	
			ART UNIT 3626	PAPER NUMBER

DATE MAILED: 08/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/846,381	<b>Applicant(s)</b> EKE, LOUIS	
	<b>Examiner</b> Mike Tomaszewski	<b>Art Unit</b> 3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3 July 2001</u> . | 6) <input type="checkbox"/> Other: _____  |

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## **DETAILED ACTION**

### ***Notice To Applicant***

1. This communication is in response to the application filed on 2 May 2001.  
Claims 1-20 are pending. The IDS statements filed on 2 May 2001 and 3 July 2001 have been entered and considered.

### ***Specification***

2. The abstract of the disclosure is objected to because it exceeds the one hundred and fifty word limit. Correction is required. See MPEP § 608.01(b).

### ***Claim Objections***

3. Claim 10 is objected to because of the following informalities: it is identical to method Claim 9. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-5 and 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Joao (6,283,761; hereinafter Joao).

(A) As per Claim 1, Joao discloses a network of medical databases for facilitating the delivery of medical services, comprising:

- (a) central server for providing electronic data transmission from a hospital computer system, an insurance computer system and a pharmacy computer system through said central server using internet and T1 connections (Joao: col. 2, lines 63-67; col. 3, lines 1-67; col. 4, lines 1-5; Fig. 1);
- (b) a database in said hospital computer system which contains patient information and is accessible by medical personnel through an electronic

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input device (Joao: col. 2, lines 63-67; col. 3, lines 1-6; col. 4, lines 11-25; Fig. 1);

- (c) a database in said insurance computer system which contains subscriber coverage information corresponding to said patient information whereby said medical personnel can determine insurance coverage electronically by sending patient information to said central server which automatically extracts said subscriber information from said insurance computer system database and delivers said information to said electronic input device (Joao: col. 2, lines 50-62; col. 4, lines 59-67; Fig. 1); and
- (d) a database in said pharmacy computer system containing drug information whereby said medical personnel can determine said drug information by sending said patient information to said central server which automatically extracts said drug information from said pharmacy computer system database and delivers said drug information to said electronic input device (Joao: col. 12, lines 22-31; col. 17, lines 50-53; Fig. 1).

(B) As per Claim 2, Joao discloses the network as set forth in Claim 1, wherein:

- (a) said patient information includes patient identification information (Joao: col. 10, lines 61-65)

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(C) As per Claim 3, Joao discloses the network as set forth in Claim 1, wherein:

(a) said patient information includes patient medical record information (Joao: col. 2, lines 37-45).

(D) As per Claim 4, Joao discloses the network as set forth in Claim 1, wherein:

(a) said drug information includes drug availability information (Joao: col. 4, line 67).

(E) As per Claim 5, Joao discloses the network as set forth in Claim 1, wherein:

(a) said patient information includes drug history information and said drug information includes drug interaction information, whereby a drug interaction warning is sent to said electronic input device when a drug interaction is detected (Joao: col. 4, lines 66-67; col. 17, lines 51-53).

(F) As per Claim 8, Joao discloses a method of facilitating the delivery of medical services comprising the steps of:

(a) connecting a network of databases relating to the delivery of medical services including a first database containing patient medical records, a

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second database containing patient insurance information and a third database containing pharmaceutical information (Joao: col. 4, lines 11-25; col. 12, lines 58-67; col. 13, lines 1-7; Fig. 1);

- (b) connecting said network of databases to a central server system by internet and T1 paths (Joao: col. 3, lines 53-67; col. 4, lines 1-5; Fig. 1);
- (c) entering database inquiries using an electronic input device connected to said network, whereby said central server system evaluates said inquiry and retrieves relevant information from said databases in response to said query and delivers said information to said electronic input device (Joao: col. 7, lines 49-61). Examiner also notes that it is well known that relational databases by definition utilize relational query languages, such as SQL, whereby the user may retrieve information based upon a related query.

(G) As per Claim 9, Joao discloses the method as set forth in Claim 8, wherein:

- (a) entering said database inquiries includes requesting insurance coverage information with respect to a specific patient (Joao: col. 16, lines 38-65).

(H) Claim 10 repeats the same limitations recited in Claim 9 and therefore, is rejected for the same reason given for that claim.

6. Claim 11 is rejected under 35 U.S.C. 102(b) as being anticipated by Rabin (6,603,464; hereinafter Rabin).

(A) As per Claim 11, Rabin discloses an electronic input device comprising:

(a) a housing containing a power source, a viewing screen, a microprocessor for facilitating the transfer and storage of information in response to the actuation of function keys for operating medical input devices attached to said housing and means for transmitting stored information (Rabin: col. 3, lines 1-11 and 48-63; Fig. 2).

(B) As per Claim 20, Rabin discloses the electronic input device as set forth in Claim 11, further comprising:

(a) a digital camera for filming a patient's anatomy (Rabin: col. 3, lines 51-53).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:



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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joao as applied to claim 1 above, and further in view of Rabin.

(A) As per Claim 6, Joao fails to expressly disclose the network as set forth in Claim 1, wherein:

(a) said electronic input device is an electronic medical clipboard.

Nevertheless, this feature is old and well known in the art, as evidenced by Rabin. In particular, Rabin discloses the network as set forth in Claim 1, wherein:

(a) said electronic input device is an electronic medical clipboard (Rabin: Fig. 2). Note Joao also teaches the implementation of an electronic "touch pad and/or any device, electronic and/or otherwise which can be utilized for inputting..." (Joao: col. 16, lines 9-13).

One of ordinary skill would have found it obvious at the time of the invention to include the aforementioned feature of Rabin within the Joao system with the motivation

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of more efficient and complete way to collect, document, store, distribute, access, and act upon (automatically, or otherwise) information in written, auditory and/or optical form (Rabin: col. 1, lines 18-21).

(B) As per Claim 7, Joao fails to expressly disclose the network as set forth in Claim 6, wherein:

- (a) said electronic medical clipboard contains function keys for inputting function commands and further includes and electronic writing pad.

Nevertheless, this feature is old and well known in the art, as evidenced by Rabin. In particular, Rabin discloses the network as set forth in Claim 6, wherein:

- (a) said electronic medical clipboard contains function keys for inputting function commands and further includes and electronic writing pad (Rabin: Fig. 2).

One of ordinary skill would have found it obvious at the time of the invention to include the aforementioned feature of Rabin within the Joao system with the motivation of more efficient and complete way to collect, document, store, distribute, access, and act upon (automatically, or otherwise) information in written, auditory and/or optical form (Rabin: col. 1, lines 18-21).

9. Claims 13, 15, 16, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rabin as applied to claim 11 above, and further in view of Joao.

(A) As per Claim 13, Rabin fails to expressly disclose the electronic input device as set forth in Claim 11, further comprising:

(a) a medical probe for testing blood.

Nevertheless, this feature is old and well known in the art, as evidenced by Joao. In particular, Joao discloses the electronic input device as set forth in Claim 11, further comprising:

(a) a medical probe for testing blood (Joao: col. 16, lines 4-18).

One of ordinary skill would have found it obvious at the time of the invention to include the aforementioned feature of Joao within the Rabin system with the motivation of providing an apparatus and a method for processing and/or for providing healthcare information and/or health-care related information, in a networked environment (Joao: col. 7, lines 66-67 and col. 8., lines 1-2).

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(B) As per Claim 15, Rabin fails to expressly disclose the electronic input device as set forth in Claim 11, further comprising:

(a) a medical probe for performing ECG.

Nevertheless, this feature is old and well known in the art, as evidenced by Joao. In particular, Joao discloses the electronic input device as set forth in Claim 11, further comprising:

(a) a medical probe for performing ECG (Joao: col. 16, lines 4-18).

One of ordinary skill would have found it obvious at the time of the invention to include the aforementioned feature of Joao within the Rabin system with the motivation of providing an apparatus and a method for processing and/or for providing healthcare information and/or health-care related information, in a networked environment (Joao: col. 7, lines 66-67 and col. 8., lines 1-2).

(C) As per Claim 16, Rabin fails to expressly disclose the electronic input device as set forth in Claim 11, further comprising:

(a) an adaptor for receiving input from a stethoscope.

Nevertheless, this feature is old and well known in the art, as evidenced by Joao. In particular, Joao discloses the electronic input device as set forth in Claim 11, further comprising:

- (a) an adaptor for receiving input from a stethoscope (Joao: col. 16, lines 4-18). Examiner considers "pulse rate monitors" to read on "input from a stethoscope."

One of ordinary skill would have found it obvious at the time of the invention to include the aforementioned feature of Joao within the Rabin system with the motivation of providing an apparatus and a method for processing and/or for providing healthcare information and/or health-care related information, in a networked environment (Joao: col. 7, lines 66-67 and col. 8., lines 1-2).

(D) As per Claim 17, Rabin discloses the electronic input device as set forth in Claim 16, further comprising:

- (a) a recorder for recording said input from said stethoscope (Rabin: col. 7, lines 35-43).

(E) As per Claim 18, Rabin discloses the electronic input device as set forth in Claim 16, further comprising:

- (a) an amplifier for amplifying said input from said stethoscope (Rabin: col. 3, lines 60-61; col. 7, lines 37-38). Examiner considers "other sound amplifying device" as well as "volume adjustment" to read on "amplifier."

10. Claims 12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rabin as applied to claim 11 above, and further in view of Roe et al. (US 2002/0156654; hereinafter Roe).

(A) As per Claim 12, Rabin fails to expressly disclose the electronic input device as set forth in Claim 11, further comprising:

- (a) a medical probe for testing saliva.

Nevertheless, this feature is old and well known in the art, as evidenced by Roe. In particular, Roe discloses the electronic input device as set forth in Claim 11, further comprising:

- (a) a medical probe for testing saliva (Roe: pg. 1, par. [0003]; pg. 2, par. [0018] and [0021]). Note Joao also teaches the implementation of an

electronic “touch pad and/or any device, electronic and/or otherwise which can be utilized for inputting...” (Joao: col. 16, lines 9-13).

One of ordinary skill would have found it obvious at the time of the invention to include the aforementioned feature of Roe within the Rabin system with the motivation of providing a system and associated methods to improve the management of an individual's health (Roe: pg. 1, par. [0007]).

(B) As per Claim 14, Rabin fails to expressly disclose the electronic input device as set forth in Claim 11, further comprising:

(a) a medical probe for testing mucous.

Nevertheless, this feature is old and well known in the art, as evidenced by Roe. In particular, Roe discloses the electronic input device as set forth in Claim 11, further comprising:

(a) a medical probe for testing mucous (Roe: pg. 1, par. [0003]; pg. 2, par. [0018] and [0021]). Note Joao also teaches the implementation of an electronic “touch pad and/or any device, electronic and/or otherwise which can be utilized for inputting...” (Joao: col. 16, lines 9-13).

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One of ordinary skill would have found it obvious at the time of the invention to include the aforementioned feature of Roe within the Rabin system with the motivation of providing a system and associated methods to improve the management of an individual's health (Roe: pg. 1, par. [0007]).

11. Claims 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rabin as applied to claim 11 above, and further in view of Newman et al. (6,631,287; hereinafter Newman).

(A) As per Claim 19, Rabin fails to expressly disclose the electronic input device as set forth in Claim 11, further comprising:

(a) an optical thermal lens for diagnosing medical conditions.

Nevertheless, this feature is old and well known in the art, as evidenced by Newman. In particular, Newman discloses the electronic input device as set forth in Claim 11, further comprising:

(a) an optical thermal lens for diagnosing medical conditions (Newman: abstract; col. 2, lines 22-34).



One of ordinary skill would have found it obvious at the time of the invention to include the aforementioned feature of Newman within the Rabin system with the motivation of providing a medical diagnostic instrument, which is capable of accurately determining body core temperature (Newman: col. 1, lines 63-65).

### ***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. The cited but not applied art teaches an apparatus for automatic routine communication in a facility (5,465,082); a system and method for supporting delivery of healthcare (6,012,035); and a system for monitoring and managing the health care of a patient population (6,385,589).

The cited but not applied prior art also includes non-patent literature articles by Business Wire ("Internet-Based Medical Care Network Launched By RequestHealth; Leveraging Advanced Internet Technology, RequestHealth Brings Back the House Call" Apr. 18, 2001. Business Wire. pg. 1.) and Ian Austen ("Unleashing the Power of the Pen" Oct. 1, 1998. New York Times. pg. G.6.).

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13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mike Tomaszewski whose telephone number is (571)272-8117. The examiner can normally be reached on M-F 7:00 am - 3:30 pm.

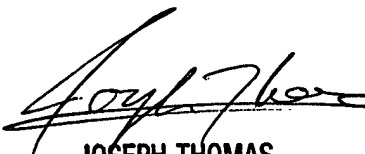
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (571)272-6776. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MT



8.18.05



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